

**Remarks**

Claims 1, 2, 7, 8, 13, 14, 19, 20, 24, 25 and 28 are amended. No claims are cancelled or added. Claims 1 - 27 are pending. Reexamination and reconsideration of this application, as amended, are respectfully requested.

The Examiner objected to claims 1, 7, 13, 19 and 25 as having informalities in reference to the phrase “one of a port and an aggregation of ports.” The applicant respectfully submits that these claims are using proper Markush form to refer to a listing of elements that may be alternatively associated with a destination address and that no amendment should be required. See, e.g., MPEP § 2173.05(h).

The Examiner objected to claim 22 as making reference to independent claim 7. The applicant has amended claim 22 to make proper reference to claim 19.

The Examiner objected to claim 25 as having a typographical error in connection with the phrase “switching fabric.” The applicant has amended claim 25 to correct this informality.

The Examiner rejected claims 4 and 5 as lacking antecedent basis for the phrase “the data switch” under 35 USC § 112, first paragraph. The applicant has cancelled claim 4 and claim 5 has been amended to make consistent reference to a “first data switch.”

The Examiner rejected claim 6 as making reference to a “second data frame” under 35 USC § 112, second paragraph. Claim 6 has been amended to eliminate reference to any such phrase.

The Examiner has rejected claims 1 – 27 as being anticipated by U.S. Patent No. 6,456,597 to Bare (the “597 patent”) under 35 U.S.C. § 102 (e). This rejection is respectfully traversed.

Among other things, the specification of the present application relates to the use of a spanning tree protocol to forward a data frame from a receiving data switch to a destination data switch when a data path from the receiving data switch to destination data switch cannot be determined. The receiving data switch may maintain a data structure associating each of a plurality of discovered MAC devices with a destination data switch. The receiving data switch may compare a ***destination address of the received data frame*** with the data structure to determine a match with one of a port and aggregation of ports (providing a path to a destination data switch coupled to the destination MAC device). If no match is determined, the data switch may forward the received data frame according to the spanning tree protocol.

The ‘597 patent appears to show a system and method of using some ports of a switch to transmit data frames according to a load balancing scheme and using other ports for the transmission of data frames according to a spanning tree protocol for data frames that to be transmitted outside of the load balancing domain. This allows the spanning tree protocol to manage the non-load balanced ports on the load balanced switch without shutting down the load balanced ports. [‘597 patent, col. 21, ll. 5 - 26]

Claim 1 distinguishes over the device shown in the ‘597 patent by reciting, among other things:

comparing the ***destination address*** of the received data frame with the data structure to determine a match with one of a port and aggregation of ports [associated with discovered MAC devices];

transmitting the received data frame through the mesh of data switches according to a spanning tree protocol if no match is determined; [emphasis added]

The '597 patent, merely showing the use of a spanning tree protocol to transmit data frames outside of a load balanced domain according to a spanning tree protocol, does not indicate how a switch determines whether a received data frame is in such a load balance domain. Therefore, the '597 patent does not disclose, suggest or make obvious "transmitting the received data frame . . . according to a spanning tree protocol is no match of [the **destination address** with the data structure] is determined.

Accordingly, the applicant respectfully submits that claim 1, and claims 2, 3 and 5 depending therefrom, distinguish over the device shown in the '597 patent. While differing in scope, claims 7 - 9,11,13 -15,17,19 - 21, 23, 25 – 27 and 29 recite limitations similar to those in claim 1 which are quoted above. Accordingly, the applicant respectfully submits that these claims similarly distinguish over the device shown in the '597 patent.

The specification of the present application also relates to transmitting a message to at least one data switch in a mesh of data switches when a receiving data switch in the mesh of data switches receives a data frame from an undiscovered MAC device. The receiving data switch may maintain a data structure associating each of a plurality of discovered MAC devices with a destination data switch in the mesh of data switch. The receiving data switch may compare a source address of a frame received from an undiscovered MAC device with the data structure to determine a match. If no match is determined, the data switch may transmit a message to at least one other data switch in

the mesh of data switches indicating that the receiving data switch is the destination switch of the undiscovered MAC device.

The '597 patent appears to show switch that may learn of a new source address at the edge of a network and inform other switches of the new host address. All switches may then load this new MAC address into their respective switching tables.  
['597 patent, col. 10, ll. 23 – 30]

Claim 6 distinguishes over the device shown in the '597 patent by reciting, among other things:

maintaining a data structure associating each of a plurality of discovered MAC device addresses with a destination data switch in the mesh;

comparing [a] *source address* of [a] received data frame with the data structure to determine a match with a destination data switch; and  
if no match is determined, transmitting a message to at least one other data switch in the mesh specifying the receiving data switch as a destination data switch of the first MAC device.

The '597 patent, merely showing a that a message may be sent to data switches upon learning of a new source address at the edge of a network, does not indicate how such a new source address is "learned." Therefore, the '597 patent does not disclose, suggest or make obvious "transmitting a message . . . specifying the receiving data switch as a destination data switch of the first MAC device [if no match of the *source address of the received data frame* is determined]." Accordingly, the applicants respectfully submit that claim 6 distinguishes over the device shown in the '597 patent. While differing in scope from claim 6 at least in part, claims 12, 18, 24 and 30 recite limitations similar to those in claim 6 which are quoted above. Accordingly the applicants

respectfully submit that these claims similarly distinguish over the device shown in the '597 patent.

The applicant respectfully submits that the application is now in form for allowance. Reconsideration of this case is respectfully requested. Please charge Deposit Account #02-2666 for any fee payment deficiencies associated with this case. If the Examiner finds that this case is in any way not in proper form for allowance, the applicant requests that the Examiner contact the applicants' representative at (310) 252-7621.

Respectfully submitted,

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